

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DONALD CRAIG MILLER	§	
VS.	§	CIVIL ACTION NO. 1:04cv802
WARDEN R. D. MILES, ET AL.	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Donald Craig Miller, a federal prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Warden R. D. Miles, Captain S. Fauver, Lieutenant K. Russo, Lieutenant P. Townsend, and Disciplinary Hearing Officer Larry Weston.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting plaintiff's motion to dismiss the claims against defendants Miles, Fauver, Townsend, and Weston.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion to dismiss defendants R. D. Miles, S. Fauver, P. Townsend, and Larry Weston (document no. 19) is **GRANTED**.

SIGNED at Beaumont, Texas, this 9th day of November, 2005.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE